

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
BORCHERDING, et al

Examiner: **Berch, Mark L.**

Application No.: **10/677,683**

Art Unit: **1624**

Filed: **October 2, 2003**

Title: **ACYL AND SULFONYL
DERIVATIVES OF 6,9-
DISUBSTITUTED 2-(TRANS-1,4-
DIAMINOCYCLOHEXYL)-PURINES
AND THEIR USE AS
ANTIPROLIFERATIVE AGENTS**

TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Your petitioner, Aventis Pharmaceuticals Inc. represents that it is the assignee of Application Serial No. 10/677,683, filed on October 2, 2003, by an assignment recorded February 13, 2002, set out in reel 012388, frame 0565. Petitioner's extent of interest is in the whole of this invention and is 100% interest.

Your petitioner, Aventis Pharmaceuticals Inc. of Bridgewater, NJ, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 6,861,524, which is commonly owned by Aventis Pharmaceuticals Inc. and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,861,524, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/677,683, under 35 US § 6 and 35 US § 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and

entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of Patent No. 6,861,524 in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

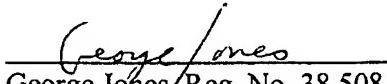
For submissions on behalf of Aventis Pharmaceuticals Inc., the undersigned states he is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. **18-1982** any required fees. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Account No. **18-1982**.

Signed at Bridgewater, New Jersey, U.S.A., this 4th day of April, 2008.

Respectfully submitted,



George Jones, Reg. No. 38,508
Attorney/Agent for Applicant

sanofi-aventis U.S. Inc.
U.S. Patent Operations
Route #202-206 / P.O. Box 6800
Bridgewater, New Jersey 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626

sanofi-aventis Docket No. USA3960 US CNT